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UNITED STATES DISTRICT COURT	
NORTHERN DISTRICT OF CALIFORNIA	4

SAN JOSE DIVISION

MICHAFI	COMMISKEY.
MICHAEL	COMMINISKE I.

Plaintiff,

v.

WELLS FARGO DEALER SERVICES, INC., et al.,

Defendants.

Case No. 16-CV-01497-LHK

ORDER DENYING AS MOOT **MOTIONS TO DISMISS**

Re: Dkt. Nos. 12, 26

On May 17, 2016, Defendant SunTrust Mortgage, Inc. ("SunTrust") filed a motion to dismiss, and on May 20, 2016, Defendant Homeward Residential, Inc. ("Homeward") filed a motion to dismiss. ECF Nos. 12 & 26. On June 22, 2016, the parties filed a notice of settlement as to Homeward. On July 5, 2016, the parties filed a notice of settlement as to SunTrust. ECF Nos. 54 & 61.

At the June 22, 2016 initial case management conference, the parties agreed to file a stipulation of dismissal as to Homeward by July 6, 2016. ECF No. 57.

The notice of settlement for SunTrust states that a stipulation of dismissal as to SunTrust will be filed within 30 days, which would be August 4, 2016. The notice of settlement further

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Case No. 16-CV-01497-LHK ORDER DENYING AS MOOT MOTIONS TO DISMISS

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United States District Court

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states that "the parties respectfully request that all pending dates and filing requirements as to
SunTrust Mortgage, Inc. be vacated." ECF No. 61 at 1.

In light of the circumstances outlined above, the Court hereby DENIES AS MOOT SunTrust and Homeward's motions to dismiss. The hearing on SunTrust and Homeward's motions to dismiss, currently set for August 11, 2016, at 1:30 p.m., is VACATED. The case management conference, set for August 11, 2016, at 1:30 p.m., remains as scheduled. The parties shall file Homeward's stipulation of dismissal by July 6, 2016, and SunTrust's stipulation of dismissal by August 4, 2016.

IT IS SO ORDERED.

Dated: July 5, 2016

LUCY HOKOH

United States District Judge